



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: James P. Elia )  
Serial No.: 09/836,750 )  
Filed: April 17, 2001 )  
For: METHOD FOR GROWING )  
MUSCLE IN A HUMAN HEART )

Group Art Unit: 1646

Examiner: Elizabeth C. Kemmerer, Ph.D.

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited  
with the United States Postal Service as First Class Mail,  
in an envelope addressed to Mail Stop Non-Fee Amendment,  
Commissioner for Patents, P.O. Box 1450, Alexandria,

VA 22313-1450 on SEPTEMBER 17, 2004

[Signature] 9/17/04  
Signature Date

**FOURTH SUPPLEMENTAL  
INFORMATION DISCLOSURE STATEMENT**

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Fourth Supplemental Information Disclosure Statement follows the Third Supplemental Information Disclosure Statement filed on July 30, 2004.

Applicant wishes to call the Examiner's attention to the publication (Reference AU) listed in the Other Art section of the enclosed PTO Form 1449A.

The publication states that skeletal muscle stem cells do not transdifferentiate into cardiomyocytes after cardiac grafting. This publication relates to the Murry et al. publication (of record) which was applied under 35 U.S.C. §103. The Examiner may wish to consider this additional information.

Applicant certifies, in the attached Certification, that the reference cited in this Fourth Supplemental Information Disclosure Statement was discovered less than three (3) months prior to the date set forth below.

Respectfully submitted,



Date: September 17, 2004

Gerald K. White  
Reg. No. 26,611  
Attorney for Applicant

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**CERTIFICATION**

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Gerald K. White, Attorney for Applicant, hereby state that the reference cited in this Fourth Supplemental Information Disclosure Statement ("IDS") was first discovered by me on September 15, 2004 as a result of a communication from the inventor, James P. Elia. Such discovery time is less than three (3) months prior to the date of this Fourth Supplemental Information Disclosure Statement.

I further state that no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge, after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. 1.56(c) more than three (3) months prior to the filing of this statement.

Respectfully submitted,

Date: September 17, 2004

Gerald K. White  
Reg. No. 26,611



Form PTO-1449 (Modified)  
(Use several sheets if necessary).

**List of Patents and Publications For  
Applicant's 4<sup>th</sup> Supplemental  
Information Disclosure Statement**  
Page 1 of 1

Docket No: 1000-10-CO1  
Serial No.: 09/836,750  
Filing Date: April 17, 2001  
Applicant: James P. Elia

Group No.: 1646

Examiner: Elizabeth  
Kemmerer

Reference Designation U.S. PATENT DOCUMENTS								
Examiner Initial		Document Number	Date	Name	Class	Sub-Class	Filing Date (if appropriate)	

  

Foreign Patent Documents								
		Document Number	Date	Country	Class	Sub-Class	Translation Yes No	

  

Other Art (including author, title, date, pertinent pages, etc.)		
	AU	J. Mol. Cell Cardiol. 2002 34, 241-249, "Skeletal Muscle Stem Cells do not Transdifferentiate into Cardiomyocytes after Cardiac Grafting"

  

Examiner	Date Considered

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.